

A regular meeting of the Planning Board of the Village of Cooperstown was held in the Village Office Building, 22 Main Street, Cooperstown, New York on February 22, 2017 at 4:30 PM.

- **NOTE:** February meeting was switched from Tuesday 2/21/2017 to Wednesday 2/22/2017 due to the 2/21/2017 Board of Assessment Review Grievance Hearings.
- **Members Attending**
(5 present) Chair- Eugene Berman / Joe Membrino / David Pearlman / Richard Blabey / Fred Schneider (alternate)
(1 absent) Paul Kuhn
- **Others Attending:**
Zoning Enforcement Officer-Jane Gentile / Village Clerk – Mikal Sky-Shrewsberry
/ (5) Members of the Public (including (3) CVS Reps, Dr. Cynthia Falk-Village Trustee)

Mr. Berman Called the Meeting to Order at 4:30 PM

PUBLIC HEARING (1 ITEM)

- **CVS Final Site Plan Review (95 Beaver Street) / Todd Hamula (Zaremba Group)**
 - **Present/ Participating: Todd Hamula (Zaremba Group) & Patrick Mitchell (VHB Engineers)**
 - Mr. Jeff Feinberg (Owner of property at 113 Chestnut Street (Price Chopper), President of Cooperstown Chestnut LLC) was the only member of the public to speak at the hearing
 - **Statement of Appreciation**
 - **Mr. Feinberg noted that he experienced exceptional professionalism and courtesy when working with Jane Gentile (Zoning Enforcement Officer) and Pat Winsor (Village Office)**
 - **Discussion RE: Relationship between CVS & Price Chopper**
 - Storm Water
 - Mr. Feinberg Requested that the Planning Board postpone the vote to grant a permit to CVS until an engineer from a third party (either an engineer hired by Price Chopper or by the Village Board) conducts an independent review of the Storm Water Plan being proposed by CVS
 - Mr. Feinberg stated
 - Not against the project.
 - Wants to be pre-emptive/ proactive and avoid unintended impact on Price Chopper's expensive & fairly new storm water system/building modifications that might cost Price Chopper money for additional maintenance or repairs
 - Not looking to collect new data but to double check CVS's calculations on the data independently verify that CVS's engineers had analyzed it properly
 - Not asking to have the 3rd party engineer approve the plans only reanalyze the information and provide his/her conclusions to the Village Planning Board before they grant the permit
 - Price Chopper's engineer had previously communicated with CVS and asked for specific information. The Price Chopper engineer did not feel the answers/info provided by CVS adequately answered the questions and/or in a way that he could understand and have confidence in
 - That the DEC does NOT provide a thorough review
 - CVS is essentially "self-policing" unless reviewed by a 3rd party
 - Price Chopper's engineer was not present at the meeting because he was on vacation

- That he (Mr. Feinberg) did not have the expertise necessary to engage in a meaningful dialogue about the storm water system with the CVS reps who were at the meeting
- That Price Chopper did not address their concerns regarding CVS storm water system plans until approximately 7-10 days before today's meeting "because they were involved in other projects and did not think of it"
- CVS (Mr. Hamula) stated
 - NYS DEC reviews the storm water manual /drawings provided by CVS to make sure their plan works before issuing a permit
 - Design methods/practices being implemented are sound/solid
 - Planning Board's approval tonight allows them to move forward with the required permit applications to make sure all stringent requirements are met
 - Price Chopper is challenging storm water issues but it is not affected by the current conditions of the site in question and the new plans for storm water drainage will not change how they are impacted
 - CVS has been working on this project for a year which has included many public meetings and permits obtained along the way – giving the public plenty of opportunity to be informed and have their questions answered and concerns addressed
 - Requiring approval of a 3rd party engineer would be a mistake
- The Planning Board stated
 - The Board/Village does not have the authority to require CVS to provide information to Price Chopper
 - Price Chopper's questions could be answered during today's hearing (if Price Chopper had someone present who was knowledgeable to ask the necessary questions and understand the responses given by the CVS project reps)
 - Request for clarification regarding when Price Chopper first tried to address this issue and the reason for their timing
 - Back and forth exchange between CVS during the hearing should stop- this is not a trial / the Planning Board would discuss and decide
- Connection Between Price Chopper and CVS Properties
 - Mr. Blabey asked Mr. Feinberg to address why Price Chopper was reluctant to adjoin the 2 properties
 - Mr. Feinberg stated
 - He did not want a misunderstanding- Price Chopper was willing to cooperate (that message was also communicated to Gordon Peeps in Albany)
 - An earlier design for adjoining the properties was not acceptable because it would cost Price Chopper Parking spaces
 - Price Chopper was OK with a sidewalk connection but felt they were entitled to be paid remuneration and to have CVS agree to maintain it
 - That Price Chopper had proposed a payment schedule which increased after a certain number of years
 - Concerned that because CVS is at a higher elevation debris will come down onto Price Chopper property from CVS costing Price Chopper money to remove it

- The Board stated
 - The Board and Village viewed the connection as a public service to make it easier for pedestrians to go between the 2 businesses
 - Mr. Blabey noted that he is aware that Price Chopper does invest in keeping its property clean because he is awakened in the middle of the night 1-2 times/week by their cleaning machine
- **Public Hearing Closed at 5:15 pm**

AGENDA (3 ITEMS)

1. CVS Site Plan Review (95 Beaver Street) Todd Hamula (Zaremba Group)

- **Review public hearing comments and any additional information**
- **Present/ Participating: Todd Hamula (Zaremba Group) & Patrick Mitchell (VHB Engineers)**
- **Review of changes to the site plan made since the January Planning Board Meeting**
 - Mr. Hamula stated that after the January 17, 2017 Planning Board Meeting CVS updated its plans to reflect the requests made by the Board and made the plans available to the public
 - Notes were added to the drawings for the sidewalk / the sidewalk ramps at the driveways
 - Calls out handicap ramp and identifies the type of ramp (see page C3 of submitted plans dated January 30, 2017) and provides a detail sheet for each one as well (example ACR type M)
 - New crosswalks added on Chestnut Street
 - Plans show crosswalk and accompanying warning beacon and signage
 - An image of what the sign looks like is provided
 - Add State Law Stop for Pedestrians in Crosswalk sign (1-5a)
 - Note added to plan:
 - “CVS is responsible for maintaining the plantings and the right of way”
 - No other changes were made
 - Monument signage will be submitted separately for permit (CVS will return to the board to acquire a sign permit)
- **Discussion of soil permeability and the storm water system to be use on the CVS property**
 - Mr. Mitchell (Project Engineer with certifications in both (1) Storm Water Quality and (2) Erosion & Sediment Control) spoke for CVS
 - Soil Permeability
 - CVS property is hydrologic type A soil
 - Means it is the type of soil that drains the best (primarily sand)
 - Infiltration rates range 3.6”- 8”/hour
 - The hydrologic type of soil determined the design of the storm water system
 - The test determining the hydrologic soil type is conducted according to appendix D of the NYS storm water manual and follows a very specific methodology
 - Storm Water System Design
 - System is sized according to the permeability rate that was measured
 - Currently there is a low spot in the parking lot where all the water runs to and then infiltrates into the ground

- The motel property does not have any type of specially designed storm water system
- From a storm water management perspective and the DEC guidelines water should not pond for more than 24 hours for a 10-year storm event
- CVS is capturing all the runoff and holding it in an underground tank until it permeates naturally
- Planned system is essentially the same as what exists now except the water is held underground instead of above ground
- The holding tank is sized based on very specific calculations
 - CVS has run calculations based on NYS guidelines based on a 100-year storm event which is roughly the equivalent of 6.5-7 inches of rain over a 24-hour period
 - CVS creates a model that predicts what happens on the site before they make changes and then after the proposed storm water management system is implemented
- CVS also has to dig lower than the storm water level to determine the level of ground water
 - NYS requires that the bottom of the storm water system is 2' above ground water so that there is 2' of filtration before runoff enters ground water
- Private development companies are required to design for a 100-year storm event (although NYS roads (DOT) design for 10-year storm events)
 - NYS DEC continually updates the charts upon which these systems are designed so that the charts reflect changes in weather patterns/climate
 - NYS requires companies like CVS to use the NYS charts/map as the basis for storm water management design
- **What happens if a rain event is larger than the system is intended to handle**
 - If a rain event occurred that was larger than the 100-year storm event the water would overflow the tank and pond above ground in the lot but it Would Remain On Site until it has enough time to permeate into the ground
 - 100-year storm events (and larger do occur)
 - 100-year storm event does NOT mean an event that expected to happen every 100 years - It is a misnomer
 - 100-year event means every time it rains there is a 1% chance of getting that size storm event
 - Every time it rains there is a 10% chance of getting a 10-year storm event
 - 90% of all storms here are type 2 events (less than 1.5" in a 24-hour period)
- **Final Discussion Before Motion**
 - **Mr. Hamula stated he did not feel a need to review the complete plan before the vote**
 - Plans had been gone over so thoroughly in previous meetings that he felt it was a waste of the Board's time
 - **Clarification of Board responsibility to act**
 - Board is required to decide within 62 days of the hearing but there is nothing preventing a decision from being made at this meeting

- **Mr. Membrino stated he did not believe the Board should condition approval on 3rd party review**
 - Rest of Board agreed based on variety of different criteria (practicalities of handling situations if the 3rd party engineer found problems, the last-minute nature of the request, etc.)
- **MOTION**
 - To approve the CVS site plan as submitted
 - Made by Mr. Pearlman / Second Mr. Membrino
 - Results:
 - Ayes (5): Berman / Pearlman / Membrino / Blabey / Schneider
 - Nays (0)
 - **MOTION CARRIED**

5 MINUTE BREAK

2. Proposed Signage (29 Pioneer Street) Robin and Rod Torrence (Miosek Law)

- **Proposed new sign for advertising and location**
- **Present/Participating: No one representing 29 Pioneer was present**
- **Discussion**
 - Proposed Location and Content of Sign
 - Packet of materials showing the sign and its proposed location on the building was distributed
 - Ms. Gentile stated that the proposed sign was going to be installed on the fence in the same manner as the business sign previously hung at that location (the Firehouse Market Sign)
 - Sign will be hung on a railing parallel to the wall
 - Sign will be hung in a manner similar to the one that used to hang by the Tea Garden (down the alley off Main Street)
 - Sign is not considered to be an interior sign although it is will be set to the back of the parking lot
 - It is NOT exempt from the law
 - **Discussion regarding the Village Sign Ordinance and the Planning Board's role in upholding it**
 - The Planning Board is required to review all signs set forth in an application
 - Mr. Membrino stated he wanted to make sure that he fully understood the village sign ordinance before voting on the proposed sign (he finds the ordinance "difficult to navigate")
 - Mr. Blabey thought the Board only needed to review signs that were clearly "out of whack"
 - The Board's job is to look at each sign for content/size etc. and determine if they fail to meet village requirements
 - **MOTION**
 - To approve the sign at 29 Pioneer Street as submitted
 - Made by Mr. Membrino / Second Mr. Pearlman
 - Results:
 - Ayes (5): Berman / Pearlman / Membrino / Blabey / Schneider
 - Nays (0)
 - **MOTION CARRIED**

3. Review of Minutes for Tuesday, January 17, 2017 Planning Board meeting

- All board members looked over the minutes

- Two board members stated they liked the new bulleted format used for the January meeting because it was easy to read
- **MOTION**
 - To approve the Planning Board Minutes for Tuesday, December 20, 2016 as submitted
 - Made: Mr. Membrino / Second: Mr. Pearlman
 - Results
 - Ayes (4): Berman/ Blabey / Membrino / Pearlman
 - Nays (0)
 - Abstention (1): Schneider (not at the January 17, 2017 meeting the minutes pertain to)
 - MOTION CARRIED

Adjournment

- **MOTION**
 - To adjourn the meeting
 - **Made:** Mr. Berman / Second: Mr. Membrino
 - Results
 - Ayes (5): Mr. Berman, Mr. Blabey, Mr. Membrino, Mr. Pearlman, Mr. Schneider
 - Nays (0)
 - **MOTION CARRIED**

MEETING ADJOURNED AT 5:50 PM

Respectfully submitted,

Mikal Sky-Shrewsberry, Clerk (PT)